

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JUAN SANCHEZ on Behalf of Himself  
and on Behalf of All Others Similarly  
Situated,**

**Plaintiff,**

**V.**

**S&P DATA NEW MEXICO, LLC, and  
S&P DATA, LLC,**

## Defendants.

**S**

**NO.: 1:20-cv-00979-KWR-GJF**

**ORDER GRANTING THE PARTIES' JOINT STIPULATION FOR  
CONDITIONAL CERTIFICATION AND NOTICE TO CLASS MEMBERS**

**BEFORE THE COURT** is the Parties’ Joint Stipulation for Conditional Certification and Notice (Dkt. 28) (“Joint Stipulation”) filed by Plaintiff Juan Sanchez, on behalf of himself and on behalf of all others similarly situated (“Plaintiff”), and Defendants, S&P Data New Mexico, LLC and S&P Data, LLC (collectively “Defendants”) (together with Plaintiff, the “Parties”).

Having reviewed the Joint Stipulation and the applicable law governing conditional certification under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 216(b), the Court hereby **GRANTS** the Joint Stipulation, **APPROVES** the Notice and Consent Form attached to the Joint Stipulation as Exhibit “A”, and **ORDERS** as follows:

1. The following Class is conditionally certified as a collective action under 29 U.S.C. § 216(b):

**All current and former customer service agents, and all employees in substantially similar positions, who worked for Defendants at any time in New Mexico during the two-year period prior to the date the Court signs this stipulation to the present.**

2. By agreeing to this stipulation and class definition, Defendants are not limiting or waiving any defenses, including but not limited to that they are not liable for all or part of any

alleged damages that Plaintiff or the opt-in Plaintiffs claim to have incurred during this time period, that the Plaintiff and the Opt-In Plaintiffs are not similarly situated, or Defendants' right to later move for decertification.

3. Don Foty of Hodges & Foty, LLP shall serve as class counsel and Juan Sanchez shall serve as the representative for the Class.

4. **Within thirty (30) days of this Order**, Defendants shall provide to Plaintiff's Counsel the names, dates of employment, last known home addresses, email addresses, and mobile phone numbers (to the extent available in Defendant's electronic records) for all Class Members, as defined above. For any email addresses or mobile phone numbers that Defendants do not maintain, Plaintiff will endeavor to identify those email addresses or mobile phone numbers. Defendants shall provide such information in a computer-readable format, such as a Microsoft Excel Spreadsheet.

5. Plaintiff's counsel shall transmit the agreed Notice of Rights and Consent Form via first class mail, electronic mail, or phone number to all persons contained on the above-referenced list within **fourteen (14) days** of receiving the list from Defendants. Plaintiff shall distribute the Notice and Consent Form that was attached as Exhibit "A" to their stipulation for conditional certification. The Class Members shall be allowed to execute either a hard copy of the consent form or an electronic copy of the Consent Form by DocuSign.

6. Putative opt-in plaintiffs will have **sixty (60) days from the date of the mailing** to file consents with the Court.

**IT IS SO ORDERED.**

SIGNED ON THIS 4<sup>TH</sup> DAY OF MARCH 2021.

  
KEA W. RIGGS  
UNITED STATES DISTRICT JUDGE

HODGES & FOTY, L.L.P.

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/s/ Don J. Foty

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